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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			BRUCKART, BENJAMIN R	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/753,086	HATAKAR, ATUL N.	
	Examiner	Art Unit	
	Benjamin R. Bruckart	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claims 1-26 are pending in this Office Action.

Claims 1, 7, 13, 18, and 21 are amended.

Response to Arguments

Applicant's arguments filed on 5/17/06 have been considered but are moot in view of the new ground(s) of rejection.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims recite limitations directed to “group membership expiration dates” without the words ‘expire’ or date anywhere in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims recite limitations

directed to "group membership expiration dates" without the words 'expire' or date anywhere in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-26 recites the limitation " group membership expiration dates " in independent claims 1, 7, 13, 18, and 21. There is insufficient antecedent basis for this limitation in the claim.

Applicant's Invention as claimed:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-16, 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,108,699 by Moiin.

Regarding claim 1, the Moiin reference teaches a method comprising:

storing data indicative of membership at a first client (Moiin: col. 5, lines 18-30);
at a system host, transmitting a message to each of a plurality of clients including the first client (Moiin: col. 5, lines 62-65), the message including a header and a payload (Moiin: col. 7, lines 9-30), the header including either a group identifier or a client identifier (Moiin: col. 7, lines 9-30), the payload including a group membership file including information indicative of

client group membership and group membership expiration dates if the header is a group identifier (Moiin: col. 7, lines 41-61), or a client specific payload associated with the client identifier if the header is a client identifier (Moiin: col. 8, lines 16-33);

updating the data indicative of membership at the first client if the message contains the group identifier and the group membership file includes data characterizing client memberships associated with the first client, and the message is received prior to a corresponding group membership expiration date (Moiin: col. 7, lines 53-61); and

processing the message at the first client if the message contains a client identifier associated with the first client (Moiin: col. 8, lines 16-33).

Regarding claim 2, the method of claim 1, wherein the data indicative of membership comprises a first group identifier (Moiin: col. 5, lines 56-65; cluster vector field).

Regarding claim 3, the method of claim 2, further comprising:

creating a first group including two or more member clients, a member client having a client identifier (Moiin: col. 6, lines 38-46; Fig. 3);

assigning the first group identifier to the first group (Moiin: col. 6, lines 38-46); and

associating the client identifiers of the member clients with the first group identifier in the group membership file (Moiin: col. 6, lines 38-46; Fig. 3; col. 7, lines 41-61).

Regarding claim 4, the method of claim 3, wherein the each member client satisfies a criterion (Moiin: col. 6, lines 3-20).

Regarding claim 6, the method of claim 2, further comprising:

transmitting a message including a payload and a second group identifier (Moiin: col. 7, lines 9-30; prospective cluster);

receiving the message at the first client (Moiin: col. 7, lines 14-17); and

extracting the payload from the message in response to the first group identifier matching the second group identifier (Moiin: col. 7, lines 41-49).

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Regarding claim 26, the method of claim 1, wherein the group membership file includes a plurality of group membership identifiers associated (Moiin: col. 5, lines 38-46) with a plurality of client identifiers corresponding to a plurality of clients (Moiin: col. 5, lines 38-46).

Claims 7-12 are rejected as having substantially the same limitations as the claims above therefore the rejection above remains on claims 7-12.

Regarding claim 13, an apparatus comprising:

a memory operative to store an apparatus identifier (Moiin: col. 1, lines 27-32; col. 5, line 32-36);

a receiver operative to receive a message including a header and a payload (Moiin: col. 5, lines 66- col. 6, line 20; col. 7, lines 9-30); the header including either a group identifier or a client identifier (Moiin: col. 7, lines 9-30), the payload including a group membership file (Moiin: col. 5, lines 35-46), the group membership file including data characterizing one or more associated member identifiers and group membership expiration dates if the header is a group identifier (Moiin: col. 7, lines 41-61) or a client specific payload associated with the client identifier if the header is a client identifier (Moiin: col. 8, lines 16-33);

a receiver controller operative to store the group identifier in the memory in response to message including a group identifier that and the apparatus identifier matches one of the member identifiers and the message is received prior to the membership expiration date (Moiin: col. 7, lines 41-61);

a processor to process the client specific payload if the message includes a client identifier and the apparatus identifier matches the client identifier (Moiin: col. 6, lines 3-20).

Regarding claim 14, the apparatus of claim 13, wherein the group membership file comprises two or more group identifiers, a group identifier associated with two or more member identifiers (Moiin: col. 5, lines 20-35).

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Regarding claim 15, the apparatus of claim 13, wherein the receiver controller is operative to identify each group identifier associated with a member identifier that matches the apparatus identifier, and to update the memory to include such identified group identifiers (Moiin: col. 7, lines 53-61).

Regarding claim 16, the apparatus of claim 15, wherein the updating comprises removing a stored group identifier in response to the group identifier not being associated with the apparatus identifier in the group membership file (Moiin: col. 7, lines 53-61; overwrite is destructive).

Regarding claim 18, a system host comprising:

a memory for storing a group membership file and at least one client specific payload (Moiin: col. 7, lines 41-61), the group membership file including data characterizing two or more group identifiers and group membership expiration dates (Moiin: col. 5, lines 20-46), a group identifier associated with two or more member identifiers (Moiin: col. 6, lines 33-46), the at least one client specific payload being directed to a predetermined client (Moiin: col. 8, lines 12-33);

a group generator operative to create a first group including two or more first group member identifiers that share a first criterion and associate a group identifier with the two or more first group membership identifiers in the group membership file (Moiin: col. 5, lines 20-46); and

the message including a header having either a group identifier associated with the group membership file or a client identifier associated with the predetermined client (Moiin: col. 5, lines 55-65).

a transmitter operative to transmit a message containing at least one of the group membership file and the at least one client specific payload to each of a plurality of client devices (Moiin: col. 7, lines 53-61), two or more of the client devices having client identifiers that match the first group member identifiers (Moiin: col. 7, lines 53-61), and one of the plurality of client devices being the predetermined client (Moiin: col. 5, lines 20-65).

Regarding claim 19, the system host of claim 18, further comprising: a transmission controller operative to transmit the group membership file to the plurality of client devices at scheduled intervals (Moiin: col. 5, lines 20-35; col. 6, lines 1-20).

Regarding claim 20, the system host of claim 19, wherein the group generator is operative to update the group membership file and transmit the updated group membership file to each of the plurality of client devices (Moiin: col. 7, lines 9-30; 53-61).

Regarding claim 21, a system comprising:

a system host (Moiin: col. 5, lines 62-65) comprising:

a memory for storing a group membership file and at least one client specific payload (Moiin: col. 7, lines 41-61), the group membership file including data characterizing two or more group identifiers and group membership expiration dates (Moiin: col. 5, lines 25-46), each group identifier associated with two or more member identifiers (Moiin: col. 6, lines 33-46), the client specific payload being directed to a predetermined client (Moiin: col. 8, lines 12-33);

a group generator operative to create a first group including two or more first group member identifiers that share a first criterion (Moiin: col. 5, lines 20-46) and associate a first group identifier with the two or more first group membership identifiers in the group membership file (Moiin: col. 5, lines 20-46);

a transmitter operative to transmit a message containing either a group identifier and an associated group membership file, or a client identifier and an associated at least one client specific payload (Moiin: col. 7, lines 53-61); and

a plurality of clients (Moiin: col. 4, lines 13-21), each client comprising:

a memory operative to store an apparatus identifier (Moiin: col. 5, lines 20-35);

a receiver operative to receive the message in a first transmission and determine whether the message contains a group membership file or a client specific payload (Moiin: col. 5, lines 56-61; col. 7, lines 7, lines 53-61); and

a receiver controller operative to store a group identifier in the memory in response to said apparatus identifier matching one of the member identifiers (Moiin: col. 7, lines 53-61) and the message being received prior to a corresponding group membership expiration date; and
a processor to process a client specific payload if the message contains a client specific payload and the client is the predetermined client (Moiin: col. 5, lines 56- col. 6, lines 20).

Regarding claim 22, the system of claim 21, wherein the communication link comprises a transmission line (Moiin: col. 5, lines 9-17).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No 6,108,699 by Moiin in view of U.S. Patent No. 6,674,994 by Fell et al.

Regarding claim 17, The Moiin reference teaches the apparatus of claim 13. The Moiin reference fails to teach discarding messages.

However, the Fell reference teaches a receiver controller is operative to discard the message in response to either of the group identifier or the client identifier not matching the apparatus identifier (Fell: col. 4, lines 62- col. 5, line 5) in order to bypass clogged communication channels and transfer data in a cost effective manner (Fell: col. 1, lines 11-24).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of grouping clients and transmitting a group messages as taught by Moiin to include discarding unmatching messages as taught by Fell in order to bypass clogged communication channels and transfer data in a cost effective manner (Fell: col. 1, lines 11-24).

Claims 5 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,108,699 by Moiin in view of U.S. Publication No. 2002/0038383 by Ullman et al.

Regarding claim 5,

The Moiin reference teaches sending membership data to clients. The Moiin reference fails to teach profile information.

However, the Ullman reference teaches the method of claim 4, wherein the criterion comprises client profile information (Ullman: page 2, para 15) because grouping by profile allows the client to received targeted information relevant to their interests (Ullman: page 2, para 15).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of grouping clients and transmitting a group messages as taught by Moiin while employing profile data as taught by Ullman in order to provide targeted information relevant to the clients interests.

Regarding claim 24, the Moiin reference teaches the system of claim 21. The Moiin reference fails to teach profile information. However, the Ullman reference teaches the client devices comprise set-top appliances adapted for connection to a television (Ullman: page 5, para 52 and 54) because grouping by profile allows the client to received targeted information relevant to their interests (Ullman: page 2, para 15).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of grouping clients and transmitting a group messages as taught by Moiin while employing profile data as taught by Ullman in order to provide targeted information relevant to the clients interests.

Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,108,699 by Moiin in view of U.S. Patent No. 6,160,804 by Ahmed et al.

Regarding claim 25, the Moiin reference teaches the system of claim 21.

The Moiin reference fail to teach wireless handheld device.

However, the Ahmed reference teaches wherein the client devices comprise hand-held wireless communication devices (Ahmed: col. 6, lines 17-65) in order to provide an efficient, scaleable and flexible communications system that groups the mobiles by location and assigns their ID to the groups in which they visit (Ahmed: col. 3, lines 34-42; col. 14, lines 20-56).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of grouping clients and transmitting a group messages as taught by Moiin

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while employing mobile wireless devices as taught by Ahmed in order to group and locate the wireless devices that are mobile in an efficient, scalable and flexible manner.

Regarding claim 23, the Moiin reference teaches the system of claim 21. The Moiin reference fails to teach a wireless link. However, the Ahmed reference teaches the data is communicated along a wireless communication link (Ahmed: col. 6, lines 17-65) in order to provide an efficient, scaleable and flexible communications system that groups the mobiles by location and assigns their ID to the groups in which they visit (Ahmed: col. 3, lines 34-42; col. 14, lines 20-56).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of grouping clients and transmitting a group messages as taught by Moiin while employing mobile wireless devices as taught by Ahmed in order to group and locate the wireless devices that are mobile in an efficient, scalable and flexible manner.

PRIOR ART

U.S. Patent No. 5,874,964 by Gille teaches modeling and changing assignments of groups of memberships in devices through VLAN ids.

U.S. Patent No. 6,845,396 by Kanojia et al teaches content deployment and activation of services through set top boxes and profiling user and groups.

U.S. Patent No. 6,973,499 by Peden et al teaches ticketing sending and receiving clients with encryption and authorization information based on the list and key.

REMARKS

Applicant has amended the claims to incorporate limitations drawn to 'group membership expiration dates' but support for the amendment is not found in the specification.

The examiner believes the claims breadth is broad but encourages applicant to further define claims to explain the details of storing the group membership data and further detail aspects of more than one group.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart
Examiner
Art Unit 2155
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SUPERVISORY PATENT EXAMINER